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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,731	09/08/2003	Emmanuel Huber	60,130-1883;02MRA0333	8906

26096 7590 01/29/2007
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EXAMINER

PARRIES, DRU M

ART UNIT	PAPER NUMBER
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2836

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/29/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/657,731

Applicant(s)

HUBER ET AL.

Examiner

Dru M. Parries

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-9 and 12-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-6,8,9,12,14 and 15 is/are rejected.
- 7) ☒ Claim(s) 7 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed August 28, 2006 have been fully considered but they are not persuasive. Regarding the newly added limitations, Ubelein teaches a control system wherein the occupant-operable regulator, normally used to lock the vehicle door, is reassigned to a further function which is to unlock the vehicle door (i.e. control the latch mechanism motor of Amano), if a fault is detected (Col. 5, lines 50-58).
2. The rest of the arguments were addressed in the Advisory Action of September 21, 2006.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 4-6, 8-9, 12 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ubelein et al. (6,515,377), Amano (6,557,910), and Mittermeier et al. (2001/0045775). Ubelein teaches a circuit for control of a vehicle's power windows and door locks in lieu of a fault on a bus (Abstract). He teaches a door controller being connected to the bus, the door lock/unlock mechanism, and at least one occupant-operable regulator and the controller being able to detect a fault in a bus (Col. 1, lines 16-30). Ubelein also teaches the idea of upon detection of a fault (in emergency situations), trying to maximize the availability of all functions normally provided before the fault (Col. 3, lines 1-12). He teaches that when a fault is detected on a bus that an operation can be controlled by the actuation of any one of a number of

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regulators (Col. 5, lines 50-58). Ubelein also teaches a control system wherein the occupant-operable regulator, normally used to lock the vehicle door, is reassigned to a further function which is to unlock the vehicle door (i.e. control the latch mechanism motor of Amano), if a fault is detected (Col. 5, lines 50-58). He also teaches the idea of using a multiplexed bus in a system like this (Col. 1, lines 42-44). He also teaches the possible situation where one could actuate the window lift regulator and operate the latch mechanism motor (Col. 5, lines 58-63). Ubelein fails to teach the operation, upon fault (emergency) detection, to be setting a lock/unlock mechanism to a security locking state, and he also fails to explicitly teach the lock/unlock mechanism for the doors being a latch mechanism motor. Amano teaches a latch mechanism motor for controlling the lock/unlock of a vehicle door. It would have been obvious to one of ordinary skill in the art at the time of the invention to assume that a latch mechanism motor is mechanically locking and unlocking the vehicle doors in Ubelein's invention since it is a known way to control the locks and Ubelein doesn't teach exactly how the locking/unlocking is happening. Mittermeier teaches an emergency locking system that locks vehicle doors in emergency situations upon actuation of a regulator ([0003] & [0004]). It would have been obvious to one of ordinary skill in the art at the time of the invention to have one of the operations in Ubelein's invention to be locking the latch mechanism motor, so that in the case where occupants need to protect themselves from something outside the vehicle, they can do that also.

Allowable Subject Matter

5. Claims 7 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim

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and any intervening claims. No prior art of record teaches the combination that upon detection of a fault on a bus and detection that a car door is closed, to operate the latch mechanism motor.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dru M. Parries whose telephone number is (571) 272-8542. The examiner can normally be reached on Monday -Thursday from 9:00am to 6:00pm. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus, can be reached on 571-272-2800 x 36. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DMP

1-16-2007


CHAU N. NGUYEN
PRIMARY EXAMINER